



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Shixu Bai,

Plaintiff,

- against -

Tegs Management, LLC, et al.,

Defendants.
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20-CV-4942 (AJN) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This resolves Defendants' motion for a stay of all discovery until 30 days after resolution of Defendants' letter motion to dismiss (Dkt. 55). The motion is denied as to non-deposition discovery (the parties have stipulated to a stay of depositions until 30 days after resolution of the motion to dismiss, and the Court so orders the same). On October 22, 2020, after its first motion to dismiss was pending, Defendants agreed to a schedule for discovery that did not include a stay. (Dkt. 30.) On November 15, 2020, after Defendants were on notice that Plaintiff intended to file an amended complaint (see Dkt. 33), Defendants agreed to an amended scheduling order for discovery that did not include a stay. (Dkt. 36.) On January 6, 2021, Defendants agreed that, in return for further extension of its time to respond, the date for serving initial discovery requests would remain as is. (Dkt. 46.) While agreement to service of "requests" does not necessarily equate with service of "responses," it would be disingenuous to construe Defendants' agreement to be only for service of the requests but not the obligation to respond to them in timely fashion without that having been made explicit. In any event, Defendants repeatedly entered into scheduling orders without stays despite there being a pending motion to dismiss and an impending amended complaint. The Court agrees that staying

deposition discovery is sensible and appropriate. For the reasons stated, however, Defendants' motion to stay all discovery is DENIED.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal flourish extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
February 12, 2021

Copies transmitted this date to all counsel of record.